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CITY AND COUNTY OF SAN FRANCISCO

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CITY AND COUNTY OF SAN FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF  
OAKLAND,

Defendants.

AND RELATED COUNTERCLAIM

Case No. 3:24-CV-02311-TSH

**DECLARATION OF CHRISTOPHER STUART  
IN SUPPORT OF REPLY TO DEFENDANT  
CITY OF OAKLAND'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR PRELIMINARY  
INJUNCTION**

1 I, Christopher Stuart, declare as follows:

2 1. I am a Deputy City Attorney for the City and County of San Francisco. I submit  
3 this declaration in connection with the City and County of San Francisco's Reply Brief in Support  
4 of Plaintiff City and County of San Francisco's Reply to Defendant City of Oakland's Opposition  
5 to Plaintiff's Motion for Preliminary Injunction. I declare that the following is true to the best of  
6 my knowledge, information, and belief, and that if called upon to testify, I could and would testify  
7 to the following.

8 2. On April 29, 2024, City of Oakland ("Oakland") first raised their argument that they  
9 were not a proper party and sought clarification on whether it was San Francisco's intention to "name  
10 and serve only the Port of Oakland." Attached as **Exhibit A** is a true and correct copy of an April  
11 29, 2024 email I received from counsel for the City of Oakland, Christina Lum, asserting that San  
12 Francisco should sue the Port of Oakland.

13 3. Over a period of months Counsel for San Francisco and Oakland have engaged in  
14 numerous meet and confer conversations regarding whether Oakland is a proper party to this lawsuit.  
15 Those conversations have occurred telephonically and by email.

16 4. After San Francisco filed its Motion for a Preliminary Injunction, Oakland again  
17 requested to be dismissed from the case and asserted that Oakland would file a motion for summary  
18 judgment if not dismissed.

19 5. On October 3 and 4, 2024, I had meet and confer calls with counsel for Oakland  
20 regarding a proposed stipulation to dismiss Oakland subject to Oakland agreeing they will agree to  
21 be bound by any injunction this Court issues against the Port. Oakland declined to enter such a  
22 stipulation and explained they could not enter such a stipulation because it "implies Oakland has  
23 jurisdiction, or some control, over OAK, and we still have the problem with the ability to bind  
24 Council." Attached as **Exhibit B** is a true and correct copy of an email thread between me and  
25 counsel for Oakland discussing a potential stipulation to dismiss Oakland.  
26  
27  
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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3  
4 Executed on this 22nd day of October 2024 at San Francisco, California.

5  
6 /s/ Christopher Stuart

7 Christopher Stuart  
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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)**

I hereby attest that I obtained concurrence in the filing of this document from the signatory.  
I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 22, 2024

COOLEY LLP

/s/ John Hemann

John Hemann

Attorney for Plaintiff and Counterclaim Defendant  
*City and County of San Francisco*